

Order

Entered: January 15, 2003

2002-47

Proposed Amendment of Rule 3.203
of the Michigan Court Rules

Michigan Supreme Court
Lansing, Michigan

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

On order of the Court, this is to advise that the Court is considering an amendment of Rule 3.203 of the Michigan Court Rules. Before determining whether the proposal should be adopted, changed before adoption, or rejected, this notice is given to afford interested persons the opportunity to comment on the form or the merits of the proposal. The Court welcomes the views of all who wish to address this proposal or to suggest alternatives. The proposal also will be considered by the Court at a public hearing. Notice of future public hearings will be posted by the Court at www.courts.michigan.gov/supremecourt.

Publication of this proposal does not mean that the Court will issue an order on the subject, nor does it imply probable adoption of the proposal in its present form.

[The present language would be amended as indicated below.]

MCR 3.203 ~~Process~~ Service of Notice and Court Papers in
Domestic Relations Cases

[The following new language would be added to the current rule and current provisions would be relettered as indicated:]

- (A) ~~Except as otherwise allowed by this rule, process must be served as provided in MCR 2.105:~~ Manner of Service. Unless otherwise required by court rule or statute, the summons and complaint must be served pursuant to MCR 2.105. In cases in which the court retains jurisdiction
- (1) notice must be provided as set forth in the statute or court rule requiring the notice. Unless otherwise required by court rule or statute, service by mail shall be to a party's last known address, and
- (2) court papers and notice for which the statute or court rule does not specify the manner of service must be served as provided in MCR 2.107, except that service by mail shall be to a party's last known address.

(B) Place of Service After Entry of Judgment or Order. When a domestic relations judgment or order requires the parties to inform the friend of the court of any changes in their residential or mailing address, a party's last known address means the most recent address

(1) that the party provided to the friend of the court if the address is more recent than the address in the judgment or order, or

(2) that is set forth in the most recent judgment or order entered in the case, or

(3) that was established by the friend of the court pursuant to subparagraph D.

(C) Place of Service Before Entry of Judgment or Order. After the summons and complaint have been filed and served on a party, but before entry of a judgment or order that requires the parties to inform the friend of the court of any changes in their residential or mailing address, the last known address means the most recent address

(1) that is set forth in any proof of service filed in the case, or

(2) that is set forth in the pleadings that the party has filed.

(D) Administrative Change of Address. The friend of the court may change a party's address administratively pursuant to the policy established by the state court administrator for that purpose.

(E) Service on Nonparties. Notice to a nonparty must be provided as set forth in the statute or court rule requiring the notice. Absent statutory direction, the notice may be provided by regular mail and court papers initiating an action against nonparties to enforce a notice must be served in the same manner as a summons and complaint pursuant to MCR 2.105.

(F) Confidential Addresses. When a court order makes a party's address confidential, the party shall provide an alternative address for service of notice and court papers.

(B) - (D) [Relettered (G) - (I), but otherwise unchanged.]

Staff Comment: The proposed amendment of Rule 3.203 would specify how notice required by statute or court rule should be provided when the statute or court rule does not specify.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.

A copy of this order will be given to the Secretary of the State Bar of Michigan and to the State Court Administrator so that they can make the notifications specified in MCR 1.201. Comments on this proposal may be sent to the Supreme Court Clerk in writing or electronically by May 1, 2003: Clerk's Office, Michigan Supreme Court, P.O. Box 30052, Lansing, MI 48909, or MSC_clerk@courts.mi.gov. When filing a comment, please refer to File No. 2002-47. Your comments and the comments of others will be posted at www.courts.michigan.gov/supremecourt.